

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

STATE OF MISSOURI ex rel.,
JEREMIAH W. (JAY) NIXON,
Attorney General of Missouri,
and the MISSOURI DEPARTMENT
OF NATURAL RESOURCES,

Plaintiffs,

v.

MEDICAL WASTE MANAGEMENT, INC.,
WALLY EL-BECK, IN HIS INDIVIDUAL
CAPACITY, M.W.A. ENTERPRISE, L.L.C.,
MOUMEN KUZIEZ, IN HIS
INDIVIDUAL CAPACITY, AND MAJED
EL-DWEIK

Defendants.

Case No. 04CV165340

CONSENT JUDGMENT AND ORDER OF INJUNCTION FOR MAJED EL-DWEIK

WHEREAS, Plaintiff, State of Missouri, on behalf of the Missouri Department of Natural Resources (“the Department”), filed a petition herein alleging that Defendant Majed El-Dweik, (hereinafter “Defendant”) violated and continues to violate the Missouri Solid Waste Management Law, §§ 260.200 to 260.345, RSMo, and the Missouri Hazardous Waste Management Law, §§ 260.350 to 260.482, RSMo; and

WHEREAS, Plaintiff and Defendant have consented, without trial or adjudication of any issue of fact or law herein, to the entry of this Consent Order;

NOW THEREFORE, it is ORDERED, ADJUDGED and DECREED as follows:

1. The Court has read Plaintiff's Petition and has been fully advised of its premises.

The Court is satisfied that the provisions of this Consent Judgment amicably resolves the issues

cognizable under §§ 260.200 to 260.345, and §§ 260.350 to 260.482, RSMo, and the Court finds that this Consent Judgment does protect the public interest.

2. For purposes of this Consent Judgment, this Court has jurisdiction over the subject matter of this action and over the parties consenting hereto pursuant to Chapter 260, RSMo.

3. The Provisions of this Consent Judgment shall apply to and be binding upon the parties executing this Consent Judgment, their officers, agents, successors and assigns.

4. This Consent Judgment fully resolves the State's and the Department's claims against Defendant, his officials, employees and agents, including claims for civil penalties and injunctive relief for violations of the Missouri Solid Waste Management Law and the Missouri Hazardous Waste Management Law as contained in Plaintiff's Petition. This Consent Judgment also subjects Defendant to a civil penalty, requires that Defendant cease any and all medical waste transportation and storage activities in the State of Missouri and requires that Defendant comply with the Missouri Solid Waste Management Law, the Missouri Hazardous Waste Management Law and their respective implementing regulations for any and all future activity in the State of Missouri.

PENALTY

5. As for civil penalties for the violations referred to in Plaintiff's Petition, Defendant shall pay a civil penalty of Five Thousand Dollars (\$5,000.00). The parties hereto agree that the Five Thousand Dollar (\$5,000.00) civil penalty shall be paid by certified check made payable to the **"State of Missouri (Boone County School Fund)"** and shall delivered, along with the signed Consent Judgment, to JoAnn Horvath, Collections Specialist, Missouri

Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899 upon Defendant's execution of this Consent Judgment.

COMPLIANCE

6. Defendant is ordered to immediately and permanently cease any and all medical waste transportation and storage activities in the State of Missouri.

7. Defendant is also ordered to comply with the Missouri Solid Waste Management Law (Sections 260.003-260.345, RSMo.), the Missouri Hazardous Waste Management Law (Sections 260.350-260.965, RSMo.) and their implementing regulations for any and all future operations in the State of Missouri.

GENERAL TERMS

8. The Plaintiff does not, by its consent to the entry of this Consent Judgment, warrant or aver in any manner that Defendant's complete compliance with this Consent Judgment, will result in compliance with the provisions of the Law. Defendant shall remain solely responsible for compliance with the terms of this Consent Judgment.

9. Nothing in this Consent Judgment precludes the State of Missouri from seeking applicable or legal relief for future violations of the Missouri Solid Waste Management Law, the Missouri Hazardous Waste Management Law and their implementing regulations.

10. Each party shall bear its own costs and attorney fees in this action. Defendant shall pay court costs.

11. The Court shall retain jurisdiction to enforce the terms and conditions of this Consent Judgment and to resolve disputes arising hereunder as may be necessary or appropriate.

WE HEREBY CONSENT to the entry of this Judgment:

MAJED EL-DWEIK

By: _____
Majed El-Dweik

Date: _____

JEREMIAH W. ("JAY") NIXON
Attorney General of Missouri

By: _____
HARRY D. BOZOIAN
Assistant Attorney General

Date: _____

MISSOURI DEPARTMENT OF
NATURAL RESOURCES

By: _____
Jim Hull, Director
Solid Waste Management Program

Date: _____

IT IS SO ORDERED.

CIRCUIT JUDGE

Dated: _____